

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AMON RE,

Plaintiff,

v.

No. _____

THE UNITED STATES OF AMERICA,

Defendant.

COMPLAINT FOR PERSONAL INJURY (FTCA)

COME NOW Plaintiff Amon Re and alleges the following in support of his Complaint for personal injury.

1. Plaintiff Amon Re is a resident and citizen of New Mexico.
2. Jurisdiction is conferred on this Court by virtue of the Federal Tort Claims Act, 28 U.S.C. Section 1346, 28 U.S.C. Section 2671 et seq. and 28 U.S.C. Section 1331.
3. Defendant is the United States of America.
4. Prior to the events stated in this Complaint, Plaintiff suffered from polio.
5. On November 12, 2009, at approximately 5:58 p.m., Plaintiff was at the Steve Schiff U.S. Post Office located on Candelaria N.E., in Albuquerque, N.M.
6. Plaintiff was in line at the above Post Office, when a Postal employee, believed to be clerk 03, announced that the office was closed.
7. At this time, Mr. Re was still standing at the counter gathering his paperwork and before Mr. Re could remove his items from the counter, the same postal employee who had

assisted Mr. Re, lowered a heavy sliding door to cover the front counters, hitting Mr. Re.

8. Mr. Re immediately called out, after being struck by the gate, and the postal employee then stopped the gate temporarily, to allow Mr. Re to gather the rest of his belongings.

9. Before Mr. Re gathered his items, the same postal employee lowered the gate once more, trapping Mr. Re's right arm.

10. As a result of the acts of Defendant's employee, Plaintiff sustained injury and damages, including a rotator cuff tear of the right shoulder, as well as enhanced post polio syndrome.

11. On or about July 21, 2010, Plaintiffs timely filed a Tort Claim Notice Form 95 notifying the United States Postal Service of this claim based on the acts of November 12, 2009.

12. After waiting the statutorily required 180 days, Plaintiff files this Complaint.

13. All material events giving rise to this action occurred within the State of New Mexico.

14. Venue is proper in this district Court under 28 U.S.C. Section 1402(b).

COUNT I.
NEGLIGENCE OF THE UNITED STATES

15. Plaintiff re-alleges all prior allegations and incorporate them herein as if set forth in full.

16. Defendant The United States of America is responsible for the actions and inactions of employees of the United States Postal Service.

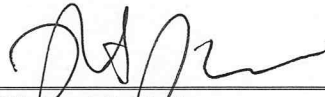
17. The actions of the United States Postal Service were negligent.

18. As a result of the negligence of the United States Postal Service, Plaintiff has suffered personal injury, pain and suffering, medical expense and other damages due to the

negligence of United States Postal Service.

WHEREFORE, Plaintiff prays that the Court award all damages allowed by law against the Defendant United States together with interest, costs and such other and further relief as the Court deems just and proper.

CARTER & VALLE LAW FIRM, P.C.

A handwritten signature in black ink, appearing to read 'R. Valle', is written over a horizontal line.

Richard J. Valle
Counsel for Plaintiff
8012 Pennsylvania Circle, NE
Albuquerque, NM 87110
(505) 883-5610